

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) CE11141JI210
I hereby certify that this correspondence is being electronically transmitted on the date listed below [(37 CFR 1.8(a))]. on: <u>July 24, 2008</u> Signature <u>/Silvana Wiltshire/</u> <u>Silvana Wiltshire</u> Typed or printed name	Application Number 10/743,663 First Named Inventor Charbel Khawand Art Unit 2194	Filed December 22, 2003 Examiner Verdi, Kimbleann C
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheets(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> applicant inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registraton number <u>45,834</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34: _____ </div> <div style="width: 45%; text-align: center;"> <u>/Larry G. Brown/</u> Signature <u>Larry G. Brown</u> Typed or printed name <u>(954) 723-6449</u> Telephone number <u>July 24, 2008</u> Date </div> </div> <p style="margin-top: 20px;">NOTE: Signatures of all the inventors or assignees or record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, se below*</p>		
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.		

(SB/33 (07-05))

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Charbel Khawand GROUP ART UNIT: 2194
APPLN. NO.: 10/743,663 EXAMINER: Verdi, Kimbleann C
FILED: December 22, 2003 Confirmation No. 7605
TITLE: INTERPROCESSOR COMMUNICATION NETWORK PROVIDING
DYNAMIC DEDICATION OF PORTS

CERTIFICATE UNDER 37 CFR 1.8(a)	
I hereby certify that this correspondence is being electronically transmitted on the date listed below:	
Date:	July 24, 2008
Signature	/Silvana Wiltshire/
Typed or printed name:	Silvana Wiltshire

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop: **AF**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests review of the Final Office Action mailed April 1, 2008, relating to the above-identified application in furtherance of the Notice of Appeal filed on July 24, 2008.

Concurrent with this submission, Applicant is paying the requisite fee for a one-month Extension of Time.

Claims 1, 3-5 and 7-20 are pending in the application. The latest version of the claims can be found in Applicant's Response of January 8, 2008. In the Office Action, claims 1, 3-5 and 7-20 were rejected under 35 U.S.C. 103(a) as being

anticipated by U.S. Patent Application Publication No. 2002/0007410 to Seagren, et al. (Seagren) in view of U.S. Patent No. 6,195,366 to Kayashima, et al. (Kayashima) and further in view of U.S. Patent No. 6,510,156 to Brock, et al. (Brock).

Independent Claims 1, 9 and 17

Each of independent claims 1, 9 and 17 recite the limitation that header information does not need to be included when transferring packets over the dedicated path (see Applicant's Response of January 8, 2008). The Examiner explicitly agrees that Seagren does not show such a feature (see page 4 of the Final Office of April 1, 2008) and does not indicate where Kayashima describes this limitation. Indeed, Kayashima does not describe this claim element. To reject the claims, however, the Examiner contends that the teachings of Brock read on this feature (see page 5 of the Final Office Action of April 1, 2008). Applicants disagree with the Examiner's finding.

Brock teaches a method and apparatus for data stream optimization. In the Background of the Invention section, Brock explains that Asynchronous Transfer Mode (ATM) segments data into cells in which each cell includes five octets of header information and forty-eight octets of payload data (see col. 1, lines 44-46). Brock also notes that "[c]ells transit ATM networks by passing through devices known as ATM switches, which analyze information in the *header of each cell* to switch that cell to the output interface that connects the switch to the next appropriate switch as the cell works its way through the network to its destination" (col. 1, lines 46-51) (emphasis added). Moreover, almost immediately subsequent

to the passage in Brock on which the Examiner relies for support in the Examiner's rejection, Brock further emphasizes that “. . . the header portion of the cell is used to determine which connection is associated with the cell *and therefore which port the cell should be switched to*” (col. 2, lines 35-37) (emphasis added). As such, Brock clearly relies on header information to determine how to route the cells in the ATM network, which means that the cells must carry header information with them. This principle causes unnecessary overhead in the network and is in direct contrast with the claimed subject matter.

Conclusion

In view of the above, Applicant contends that the claims are patentable over the cited prior art references. Reconsideration and withdrawal of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

Respectfully submitted,

Date: July 24, 2008

By: /Larry G. Brown/

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